BEFORE THE M.P. STATE ADMINISTRATIVE TRIBUNAL BENCH RAIPUR

O.A. NO._____/2002

APPLICANT : Soni Lal Jain
Son of Late C.R. Jain
Block Extension Educator
P.H.C. Bhanupratappur
Distt. Kanker

VERSUS

NON-APPLICANT :

1. State of C.G.
through the Secretary
Department of Health Services
Govt. of Chhattisgarh,
D.K.S.Bhavan, Raipur

2. Director
Health Services
D.K.S. Bhawan
Raipur (C.G.)

ORIGINAL APPLICATION UNDER SECTION 19 OF THE M.P. STATE ADMINISTRATIVE TRIBUNAL ACT, 1985

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 4504 of 2005

Petitioner: Soni Lal Jain

Versus

Respondents: State of Chhattisgarh & another

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri.**

Shri Manish Sharma, Advocate for the petitioner.
Shri Arvind Dubey, Panel lawyer for the Respondents.
Shri Parag Kotecha, Advocate for Intervener.

ORAL ORDER

(19th July, 2006)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. This Original Application was filed before the State Administrative Tribunal Bench at Raipur, impugning the transfer order dated 21.12.2001, whereby the petitioner, who was working on the post of Block Extension Educator at Primary Health Center - Bhanupratappur, District- Kanker, was transferred to the Primary Health Center- Orcha, Abujhmad, District- Bastar.
2. While admitting the petition, the Tribunal by its order dated 18.1.2002 granted status quo with regard to the posting of the petitioner, as on 17.1.2002. Learned counsel for the petitioner submits that by virtue of the interim order the petitioner is continuing on the same place of posting i.e. Bhanupratappur, District- Kanker.
3. As a matter of fact, the petitioner has got the final relief by way of interim order and the petitioner has been on the same place for

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more than four years. The petitioner could not continue at one place forever.

4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations. In the facts and circumstances of the case, it is not necessary to examine validity of the transfer order at this stage. However, the respondents/authorities are directed not to insist on compliance of the impugned order dated 21.12.2001.

5. This petition has become infructuous with the passage of time. Accordingly the petition is dismissed as having become infructuous. However, respondents/authorities are at liberty to pass appropriate order for posting the petitioner in the public interest and administrative exigency, in accordance with law. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur